

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

STATE OF MISSOURI,)	No. ED95350
)	
Plaintiff/Respondent,)	Appeal from the Circuit Court
)	of the City of St. Louis
v.)	
)	
ARLEE HAYES,)	Honorable Angela Turner Quigless
)	
Defendant/Appellant.)	Filed: September 6, 2011

Arlee Hayes (Appellant) appeals from the trial court's judgment entered after a bench trial convicting him of second-degree murder and abuse of a child resulting in death. On appeal, Appellant argues that the trial court erred in (1) denying his motion for judgment of acquittal at the close of all evidence because there was insufficient evidence to support the convictions, in that the State failed to prove beyond a reasonable doubt that the victim died as a result of any acts on the part of Appellant; and (2) overruling his motion for a continuance made on the day of trial to conduct further investigation.

AFFIRMED.

Division Three Holds: The trial court did not err in (1) denying Appellant's motion for judgment of acquittal, in that the State presented sufficient evidence from which a reasonable person could conclude that Appellant inflicted numerous forcible blows to the victim's head and that these injuries caused the victim's subsequent death by drowning; and (2) denying Appellant's motion for continuance because the motion was not in writing, the cause had been pending for over a year, and defense counsel indicated that she was prepared for trial.

Opinion by: Sherri B. Sullivan, J. Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J.,
concur.

Attorney for Appellant: Andrew E. Zleit
Attorneys for Respondent: Chris Koster and Timothy A. Blackwell

<p style="text-align:center">THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
